



DEVisING A GOVERNMENT COMPLAINT SYSTEM

Guide to Good Practice

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INTRODUCTION

For many years the Alaska Office of the Ombudsman has advised agencies to develop written complaint systems. Often, this advice has taken the form of recommendations at the conclusion of our formal investigations. However, the Ombudsman has never provided guidance on how to create effective complaint systems or the standards that should be used to judge whether existing complaint systems are adequate. This guide remedies that.

At first glance, it may seem strange that an ombudsman, whose function is to investigate complaints against state agencies, would risk making her

office redundant by advocating agency-based complaint systems. I do this for several reasons: (1) I believe the role of the Ombudsman includes promoting high standards of public administration; (2) the resources of the Ombudsman are not sufficient to review all the complaints we receive; and (3) a portion of complaints, wherever originally filed, will always require an objective, neutral, and independent review. Only Paradise has no need for an ombudsman.

This guide is intended to help agencies that are reviewing their complaint system as well as those that are creating one for the first time. It is advisory, not prescriptive. Each agency must devise a system best suited to its own needs and circumstances. The guide provides a list of practical suggestions that should be considered when reviewing or setting up a system. I believe firmly that complaint systems of the type advocated in this guide will make a difference. I believe they will create noticeable improvements in services and client satisfaction continuing as long as the agency embraces the principle of “complaints as opportunities.”

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WHY HAVE A COMPLAINT SYSTEM?

Good organizations *want* their clients to complain! Informed clients know how your services should work and, if things are not working, they are the first to know. The best organizations use information from complaints and the investigations they trigger to root out problems and improve services. Make it easy for your clients to complain, and your clients will make it easy

for you to improve.

The main reasons for having a complaint system are:

- Citizens have a right to voice critical comments and to be heard by a public agency.
- An effective complaint system draws attention to areas that need improvement within an agency.
- Complaint systems promote client satisfaction.
- A good complaint system will save an agency money by resolving problems internally, close to the source. It can prevent complaints from escalating and multiplying, swallowing time and resources.
- Complaint systems that allow clients to voice dissatisfaction and seek remedy from agency actions are fundamental to good public administration.

WHY PEOPLE COMPLAIN

Complaints arise most often because of poor communication between an agency, its staff, and the public. Others arise because information about an agency's services is not clearly and widely publicized. The clearer the clients' understanding of what they can expect from an agency, the more focused and appropriate the public response to the agency will be. Complaints can be minimized if an agency has appropriate and comprehensive policies, clear procedures for implementing those policies, properly trained staff, and good communications both internally and externally.

All public communications should be in simple and clear language that can be understood easily. Forms should be user friendly; help should be available for those who have difficulty understanding procedures or filling out forms; and staff should be trained to respond positively and helpfully to those who need or seek their advice.

While good communication will reduce complaints, it will not eliminate them. All of us make mistakes; computer systems go haywire; new realities clash with old policies; new policies flop; budgets shrink; employees retire with vast banks of institutional memory. And on and on. Clients experience the result. We can never be perfect, but we can always be open.

AIMS OF AN EFFECTIVE COMPLAINT SYSTEM

A good system will strive to resolve most complaints swiftly and as close to the source of the problem as possible. It will have written procedures for dealing with unresolved complaints. It will take lessons learned from the investigation of complaints and use them to improve the agency.

An effective complaints system will provide:

- a straightforward means for customers or those acting on their behalf to make a complaint,
- a procedure for investigating a complaint,
- a means of keeping the complainant informed about progress as well as about the eventual outcome,
- remedies where complaints are found to have substance, and
- a means of alerting administrators to problems that need fixing.

PRINCIPLES OF A GOOD COMPLAINT SYSTEM

A good complaint system will be

- ***easily accessible*** and conspicuous to users of services,
 - ***simple*** to invoke, with the stages clearly set out and responsibility clearly allocated,
 - ***quick***, offering prompt action and speedy resolution according to pre-determined time limits,
 - ***objective***, including provision for review and investigation by persons not involved in the matter at issue,
 - ***confidential*** in that it will protect the complainant's privacy as far as is possible, and
 - ***reasoned and understandable***, in that the reasons for upholding or denying the complaint must accompany the decision. It must produce a result which, even though it may not be acceptable to the complainant, is capable of being understood by him or her.
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ELEMENTS OF A COMPLAINT SYSTEM

Written documentation

Written procedures are essential if your complaint system is to be fair and effective. Documentation guides both staff and clients through established procedures and assures that each complaint is handled consistently. Complaint procedures should be written clearly in plain, non-technical language and made available to all staff and to clients who complain.

Definition

A complaint system needs to set out the definition of a complaint. Devise a definition that works for your agency and its particular circumstances. An example of a general definition is:

A complaint is an expression of dissatisfaction, however made, about the service, actions, or lack of action by the agency or its staff affecting an individual client or group of clients.

You may want to clarify what the complaint definition does not cover, for example:

- requests for a service (e.g. reporting potholes in a state highway),
- requests for information or explanation of agency policy or practice, or
- matters for which there is already a right of appeal or legal remedy.

Who can complain?

Define who can complain. This is generally anyone receiving or seeking a service from your agency including, where appropriate, children and anyone acting for those unable to complain personally. Consider whether your agency should entertain complaints from persons not directly affected by the action in their complaint.

Procedural steps

A good complaint system has enough stages to ensure a thorough and fair review of the complaint and no more. Many systems have three stages.

- **First stage** - Front line service providers deal with initial expressions of dissatisfaction and attempt to resolve them. Resolving complaints on first contact saves money by eliminating unnecessary additional contacts and builds confidence in your agency.
- **Second stage** - Complaints from clients still dissatisfied are

investigated by a manager or complaint officer within the agency. The client must have the opportunity to have his or her complaint investigated by someone who has not previously been involved in the matter.

- **Third stage** - A further investigation is carried out by an executive administrator or someone outside the agency. This person must take a fresh look at the evidence and not merely regurgitate the findings of the second stage.

Recording complaints

Keep records at all stages giving details of the complaint, the name of the client, the action taken, and the client's response.

The form of complaints

At the first stage it may not be necessary to require complaints to be in any particular form, but from the second stage onwards, complaints are best put in writing. Complaint forms are useful, together with assistance for persons who have difficulty writing down their complaint. Ideally, the written complaint includes details of what the complainant feels went wrong and what he or she would like the agency to do to make things right.

Complaint handling

Clients should know how their complaint will be handled and by whom. They should be aware of the stages of the complaint process. Define who deals with complaints at each stage of the complaint process. When a complaint stems from an agency decision, the first stage may be to give the original decision-maker opportunity to reconsider. In these circumstances, inform the client of the process and give him the opportunity to bypass this stage if there are concerns about the officer's impartiality or attitude.

From the second stage onwards, officers of appropriate seniority should be involved. Ideally, these officers should not have been involved in the matter previously. They must be able to look at the complaint from the point of view of the client and be able to judge each complaint on its merits, regardless of the behavior and presentation of the client. Clients with a grievance can be upset, frustrated, or even hostile. Their rude behavior does not mean, however, that their complaint is without substance.

Your agency will need to decide whether persons not employed by the agency, such as appointed board members, have a role in the complaint process.

Time limits

Set timelines for each stage of the procedure including acknowledgement of the complaint, replying to internal requests for information, and a final

response to the complainant. For example, you might set a limit of seven days for acknowledgement and 28 days for a substantive response (either a final response or progress report). The particular timelines you set should be achievable within your agency most of the time. Giving optimistic expectations of how quickly a complaint will be investigated will further alienate the client and may be grounds for further complaints if the target cannot be met.

Special cases

Set out the arrangements for dealing with complaints against executive administrators and allegations of financial impropriety or criminal activity. For example, complaints against directors could be referred to the commissioner or deputy commissioner. Complaints of financial impropriety and other unethical behavior should be referred to the department's designated ethics supervisor or to the ethics attorney at the Department of Law. Make sure your procedures are in accord with the Alaska Executive Branch Ethics Act (AS 39.52).

Remedies

An internal complaint system must be able to offer clients appropriate remedies when their complaints are substantiated. Ask clients early on what they want to happen as a result of their complaint. An apology will normally be appropriate and other action may also need to be considered.

The general principle for guidance is that, as far as possible, the complainant should be put in the position he or she would have been in had things not gone wrong.

Some complaints may be remedied by providing the service desired by the complainant. In other cases, a change of procedures to prevent future difficulties of a similar kind may be appropriate. Where the complainant has sustained loss or suffering, your agency may need to consider financial compensation. In cases where a citizen believes he has been harmed through negligence and wishes to make a tort claim, notify the Division of Risk Management in the Department of Administration or the Attorney General's Office.

Further steps

If still dissatisfied after going through your agency complaint system, clients should be given information about further steps they can take, such as complaining to the Alaska Ombudsman, the Human Rights Commission, or the Personnel Board.

Anonymous complaints

Define your agency's policy for dealing with anonymous complaints. Some agencies do not accept anonymous complaints at all. Clients who ask that

their names not be revealed should be forewarned of the extent to which you will be able to preserve their anonymity if the complaint is investigated.

Training

Training in complaint handling should become an integral part of staff development, with an emphasis on the positive benefits for both users and operators of the system. Training arrangements should meet the different needs of frontline staff and managers who will investigate complaints.

PLANNING AND START-UP CONSIDERATIONS

The starting point for any complaint system is commitment to the principle. Issue a policy statement that says your organization embraces complaints: “We view complaints as opportunities.”

Ideally, a senior officer will have specific responsibility for carrying through arrangements for developing and introducing the complaint system. He or she may require the support and advice of a working group with membership drawn from different sections of the agency and from user groups or clients.

It is wise to review existing complaint procedures and responsibilities. This review could usefully consider:

- the requirements of existing statutory procedures and how they can be integrated into a comprehensive system,
- other existing complaints procedures and how their best features can be incorporated into the new arrangements, and
- procedures or programs that are relevant to the complaint procedure and with which the latter needs to be compatible. Examples would be disciplinary and grievance procedures and relevant policies such as customer care, quality assurance, equality of opportunity, and the elimination of racial prejudice and discrimination.

Plan to collect data regarding the outcome of complaints. If your data indicate that the complaint system rarely results in positive outcomes for clients, it may not be working very effectively. On the other hand, if your complaint data indicate a very high number of complaints resulting in a remedy for the client or an admission of agency error, your complaint system is probably working well, but the information is not being used to rectify root problems within your agency.

Written or telephone surveys are a good indicator of whether a complaint system is working well for clients. A very positive indicator is where the complaint is not resolved in favor of the client, but the client indicates satisfaction with the complaint system and its adequacy to deal with the issues raised.

PUBLICIZING THE COMPLAINT SYSTEM

Publicity increases a complaint system's acceptance and effectiveness. When planning publicity for your complaint system, consider:

- **Initial launch.** Your agency may wish to give its complaint system a public launch. This would formally demonstrate its determination to provide customers with high quality services and also help to publicize the system.
- **General publicity.** From time to time, opportunities may arise for further publicity: for example, when a complaint leads your agency to improve its services or procedures.
- **Agency publications** should inform clients that your agency has a complaint system.
- **Word of mouth.** Staff could be asked to tell clients about the procedure whenever appropriate.
- **Agency forms** for those applying for a service from the agency should explain a client's right to make a complaint.
- **Complaint forms** could be available at all places of regular contact with the public.
- **Targeted publicity** may be aimed at groups of people or service areas where particular needs are identified.

COMPLAINTS AS OPPORTUNITIES TO IMPROVE

If your complaint system is working well, it will provide your agency a rich source of information about where problems are occurring.

An effective system needs arrangements for recording and analyzing the types and subjects of complaints, as well as information obtained as a result of investigations. The information can then be fed back to department

sections and service providers. The outcome of any investigation in which mistakes or problems are identified can be reported to the chief administrator of the relevant department so that appropriate action can be taken to avoid a recurrence. At the same time, take care not to stigmatize employees because of complaints. An agency that truly embraces “complaints as opportunities” has no need for scapegoats. The idea is to improve, not reprove.

Any organization can benefit from a well-devised complaint system. Government agencies in particular have much to gain: improved efficiency, higher quality service, and increasing good will and respect from the citizens they serve.

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